



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT WEDNESDAY, MAY 26, 2021

Board members present: Richard Conescu, Patrick Dwyer, Lynn Christensen (*arrived at 7:07 pm*), Ben Niles and Rod Buckley

Board members absent: Alternate Drew Duffy

Staff present: Casey Wolfe, Assistant Planner

1. Call to Order

Richard Conescu called the meeting to order at 7:01 p.m.

2. Roll Call

Richard Conescu led the pledge of allegiance and swore in members of the public who would be testifying. Patrick Dwyer read the preamble.

- 3. Mark & Rebecca Livingston (petitioner) and Rebecca Zannoni (owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit the construction of an attached garage 17 feet from the front property line whereas 30 feet is required. The parcel is located at 31 Gail Road in the R-4 (Residential) District. Tax Map 2B, Lot 089. Case # ZBA 2021-09.

Petitioner was represented by: Mark & Rebecca Livingston, petitioner/owner

Lynn Christensen joined the meeting at 7:07 p.m.

There was no public comment.

The Board voted 5-0-0 to grant the variance on a motion made by Patrick Dwyer and seconded by Lynn Christensen.

- 4. Andre Roy (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a detached garage 11 feet from the side property line whereas 15 feet is required. The parcel is located at 16 Belmont Drive in the R-1 (Residential, by soils), Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6D, Lot 257. Case # ZBA 2021-10.

Petitioner was represented by: Andre Roy, petitioner/owner

There was no public comment.

The Board voted 5-0-0 to grant the variance on a motion made by Patrick Dwyer and seconded by Rod Buckley.

5. **Leonard Amadeo (petitioner) and Amadeo Revocable Trust (owner)** – Variance under Section 2.02.7.A.6 of the Zoning Ordinance to permit the construction of a detached garage 10 feet from the edge of a wetland whereas 40 feet is required. The parcel is located at 14 Acacia Street in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 4C, Lot 074. Case # ZBA 2021-11.

Petitioner was represented by: Robert M. Shepard, Smith-Weiss Shepard & Sony, P.C.

There was no public comment.

The Board voted 5-0-0 to grant the variance on a motion made by Patrick Dwyer and seconded by Ben Niles.

The Board took up items 9 and 10 prior to Items 6, 7 & 8. Additionally, the Board combined items 9 and 10 into one public hearing.

9. **Garret & Jillian Soucy (petitioner/owner)** – Appeal of Administrative Decision that determined pre-existing nonconforming lots of record are required to conform to current zoning requirements upon modification of the lot following a lot line adjustment even though such adjustments would result in no change to the lot area, depth, or frontage. The parcel is located at 12 Dodier Court in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 7C, Lot 047-01. Case # ZBA 2021-15.

10. **Ronald & Zelia Rosenfeld (petitioner) and Roseneiro Trust of 2014 (owner)** - Appeal of Administrative Decision that determined pre-existing nonconforming lots of record are required to conform to current zoning requirements upon modification of the lot following a lot line adjustment even though such adjustments would result in no change to the lot area, depth, or frontage. The parcel is located at 14 Dodier Court in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 7C, Lot 047-02. Case # ZBA 2021-16.

Petitioner was represented by: Alexander Buchanan

There was no public comment.

The Board voted 5-0-0 to deny the Appeals of Administrative Decision (and uphold the Community Development Staff's determination) on a motion made by Lynn Christensen and seconded by Rod Buckley.

The Board combined items 6, 7 and 8 into one public hearing.

6. **Garrett & Jillian Soucy (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a lot (following a lot line adjustment) with 87,268 square feet of lot area whereas 100,000 square feet is required. The parcel is located at 12 Dodier Court in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 7C, Lot 047-01. Case # ZBA 2021-12.
7. **Garrett & Jillian Soucy (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a lot (following a lot line adjustment) with 241.33 feet of frontage whereas

250 feet is required. The parcel is located at 12 Dodier Court in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 7C, Lot 047-01. Case # ZBA 2021-13.

- 8. Ronald & Zelia Rosenfeld (petitioner) and Roseneiro Trust of 2014 (owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a lot (following a lot line adjustment) with 200 feet of frontage whereas 250 feet is required. The parcel is located at 14 Dodier Court in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 7C, Lot 047-02. Case # ZBA 2021-14.

Petitioner was represented by: Alexander Buchanan

There was no public comment.

The Board voted 5-0-0 to grant the variance in Case #2021-12, with conditions, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

The Board voted 5-0-0 to grant the variance in Case #2021-13, with conditions, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

The Board voted 5-0-0 to grant the variance in Case #2021-14, with conditions, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.

11. Discussion/possible action regarding other items of concern

- a. Request for Re-Hearing regarding case # ZBA 2021-05, Merrimack Parcel A, LLC.**

The Board voted 5-0-0 to deny the request for Re-Hearing on motion made by Patrick Dwyer and seconded by Rod Buckley.

12. Approval of Minutes – April 28, 2021

The minutes of April 28, 2021 were approved as submitted, by a vote of 5-0-0, on a motion made by Lynn Christensen and seconded by Rod Buckley.

13. Adjourn

The meeting was adjourned at 8:26 p.m. by a vote of 5-0-0, on a motion made by Ben Niles and seconded by Rod Buckley.